

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 731 - HB 891

March 27, 2019

**SUMMARY OF ORIGINAL BILL:** Disqualifies a person from holding office if the person has been convicted of an infamous crime under Tenn. Code Ann. § 40-20-112 and the offense was committed in the person's official capacity or involved the duties of the person's office. States that any person taking on any office in this state, by election, or appointment, under the disqualification specified commits a Class A misdemeanor. Prohibits a court from accepting any plea agreement that allows an elected public official who is charged with an infamous crime involving an offense committed in the person's official capacity or involving the duties of the person's office, to qualify for, seek, or hold public office in this state or political subdivision of this state at some point in the future.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (006609):** Deletes and replaces language of the proposed legislation to add a prohibition for an elected public official that has accepted a plea agreement for an offense committed in the person's official capacity or involving the duties of the person's office from qualifying for, seeking, or holding public office or any political subdivision in this state at some point in the future after the plea agreement has been agreed to by all parties.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tennessee Code Annotated § 8-18-101(1), those who have been convicted of offering or giving a bribe, or of larceny, or any other offense declared infamous by law, unless restored to citizenship in the mode pointed out by law, are not qualified to hold office in this state.
- The proposed legislation prohibits a person from holding office even after being restored to citizenship if the person was convicted of an infamous crime and the offense was committed in the person's official capacity or involved the duties of the person's office, in which case the person shall forever be disqualified from holding office.

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- If a person takes on any office in this state, by election, or appointment after such disqualification it is considered to be a Class A misdemeanor.
- Any cost to local jail systems resulting from possible convictions under this legislation is estimated to be not significant.
- There will not be a sufficient change in the number of misdemeanor prosecutions for the state or local government to experience any significant change in revenue or expenditures.
- Any increase in caseloads will be accommodated with existing court, district attorney, and public defender resources; therefore, any impact to the court system is estimated to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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